United Nations S/PV.4629

Security Council

Fifty-seventh year

Provisional

4629th meeting

Monday, 21 October 2002, 10 a.m.

New York

President:	Mr. Belinga-Eboutou	(Cameroon)
Members:	Bulgaria	Mr. Tafrov
	China	Mr. Wang Yingfan
	Colombia	Mr. Valdivieso
	France	Mr. Florent
	Guinea	Mr. Traore
	Ireland	Mr. Barcroft
	Mauritius	Mr. Koonjul
	Mexico	Mr. Aguilar Zinser
	Norway	Mr. Strømmen
	Russian Federation	Mr. Karev
	Singapore	Ms. Lee
	Syrian Arab Republic	Mr. Wehbe
	United Kingdom of Great Britain and Northern Ireland	Mr. Thomson
	United States of America	Mr. Rosenblatt

Agenda

Election of five members of the International Court of Justice (S/2002/925, S/2002/926 and S/2002/927).

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02-65131 (E)

The meeting was called to order at 10.20 a.m.

Adoption of the agenda

The agenda was adopted.

Election of five members of the International Court of Justice (S/2002/925, S/2002/926, S/2002/927)

The President (*spoke in French*): The Security Council will now proceed to the election of five members of the International Court of Justice, in accordance with Article 13 of the Statute of the International Court of Justice, to fill the five seats which will become vacant on 6 February 2003 on the expiry of the terms of office of the following Judges: Mr. Shi Jiuyong (China), Mr. Shigeru Oda (Japan), Mr. Géza Herczegh (Hungary), Mr. Carl-August Fleischhauer (Germany), and Mr. Abdul G. Koroma (Sierra Leone).

The list of candidates nominated by national groups is contained in document S/2002/926, which reflects all the information concerning notifications received regarding such nominations in order to facilitate the election of all representatives.

I should like to draw the attention of the Council to the fact that the Secretary-General informed me this morning that Mr. Kamba and Mr. Manase of Zimbabwe have decided that they no longer wish to be considered as candidates for election to the International Court of Justice. Their names, therefore, do not appear on the ballot papers.

The Security Council also has before it a memorandum by the Secretary-General, contained in document S/2002/925, describing the present composition of the Court and setting out the procedure to be followed in the conduct of the election.

I should like to remind the Council that, under Article 10, paragraph 1, of the Statute of the International Court of Justice,

> "Those candidates who obtain an absolute majority of votes in the General Assembly and in the Security Council shall be considered as elected."

The required majority in the Security Council is eight votes.

If more than five candidates obtain the required majority, according to the procedure which has been followed in the past and which is set forth in paragraph 14 of the Secretary-General's memorandum, a new vote will be held on all the candidates.

This rule will also apply to any subsequent ballots, if the number of candidates obtaining the absolute majority is greater than the number of vacancies remaining. If, on the other hand, in the first ballot the number of candidates obtaining the absolute majority is less than five, the Council will proceed to a second ballot on the remaining vacancies, and balloting will continue in the same manner until five of the candidates have obtained the required majority of votes.

The voting will be held by secret ballot. When we proceed to the vote, members of the Council will receive a ballot paper containing the names of all the candidates. No withdrawal will be accepted once the ballot papers have been distributed. However, it would be possible to withdraw between ballots. Members of the Council will be requested to place an "X" in the boxes next to the names of the candidates for whom they wish to vote. Only those candidates whose names appear on the ballot paper are eligible for election.

I should like to remind members of paragraph 11 of the Secretary-General's memorandum (S/2002/925), which specifies that "Each elector may vote for not more than five candidates on the first ballot". Any ballot paper containing votes for more than five names will be considered invalid. When five candidates have obtained the required majority of votes, I shall communicate the result of the election to the President of the General Assembly, and I shall request the Council to remain in session, pending the receipt from the President of the General Assembly of the result of the voting in the Assembly.

The Council will now proceed to draw lots to select two delegations to serve as tellers.

* * *

The President (*spoke in French*): The names of the delegations of Ireland and Mexico have been drawn. I request them to appoint one of their members to serve as tellers.

At the invitation of the President, Mr. Barcroft (Ireland) and Mr. Asencio (Mexico) acted as tellers.

The President (*spoke in French*): May I take it that the Council is now ready to proceed with the election of five members for the International Court of Justice?

It is so decided.

I request the Conference Officer to distribute the ballot papers.

Members of the Council should place an "X" in the boxes next to the names of the five candidates for whom they wish to vote.

* * *

The President (*spoke in French*): I take it that all the members of the Council have now voted, and I ask the Conference Officer to collect the ballot papers.

* * *

The President (*spoke in French*): All the ballot papers have been collected. I should like to remind the Council that, as we agreed during our consultations, the ballots will not be counted until it has been verified that the ballot papers in the General Assembly have been collected. The Council will remain in session pending the receipt of that information.

* * *

The President (*spoke in French*): I have now been informed that the ballot papers have been collected in the General Assembly.

The counting of the ballots in the Security Council will now begin. The tellers will now count the ballots. As agreed in our consultations, there will be two independent countings of the ballots, one by each teller.

The Council will remain in session.

* * *

The President (*spoke in French*): The result of the voting is as follows:

Number of ballot papers:	15
Number of invalid ballots:	0
Number of valid ballots:	15
Required majority:	8
Number of votes obtained:	
Mr. Hisashi Owada	15
Mr. Shi Jiuyong	15
Mr. Abdul G. Koroma	13
Mr. Peter Tomka	12
Mr. Bruno Simma	9
Mr. Hans Corell	7
Mr. John Dugard	3
Mr. Vojin Dimitrijević	1

Accordingly, the following candidates have obtained the required majority of votes in the Security Council: Mr. Hisashi Owada, Mr. Shi Jiuyong, Mr. Abdul G. Koroma, Mr. Peter Tomka and Mr. Bruno Simma.

I shall communicate the result of the vote to the President of the General Assembly in writing.

I request the Council to remain in session while we wait for the President of the General Assembly to inform the Council of the result of the voting in the Assembly.

* * *

The President (*spoke in French*): I should like to inform the members of the Council that I have just received from the President of the General Assembly the following letter:

> "I have the honour to inform you that, at the 35th plenary meeting of the General Assembly, held today for the purpose of electing five members of the International Court of Justice, the following candidates obtained an absolute majority of votes in the General Assembly: Mr. Abdul G. Koroma, Mr. Hisashi Owada, Mr. Shi Jiuyong, Mr. Bruno Simma and Mr. Peter Tomka."

As both the Security Council and the General Assembly have agreed on the same candidates, the distinguished jurists Mr. Abdul G. Koroma, Mr. Hisashi Owada, Mr. Shi Jiuyong, Mr. Bruno Simma and Mr. Peter Tomka have been elected as members of the International Court of Justice for a term of office of nine years, beginning on 6 February 2003.

I should like to congratulate them and wish them every success in the high office to which they have been elected.

I should also like to thank the tellers for their assistance.

The Security Council has thus concluded its business for this meeting.

The meeting rose at 11.40 a.m.